

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION**

IN RE: 23' TRITOON PONTOON
BOAT SEA BREEZE '35;232

SUNTEX MARINA INVESTORS
LLC, SNOOK BIGHT HOLDINGS,
LLC, ST SNOOK BIGHT, LLC,
SNOOK BIGHT SMI OPCO, LLC
and SMI TRS OPCO, LLC, as owners

Case No: 2:19-cv-80-SPC-MRM

Petitioners,

ORDER¹

Before the Court is the parties' Joint Agreed Motion to Globally Dismiss Suntex Marina Investors LLC's Limitation of Liability Proceeding. ([Doc. 124](#)). This suit is about injuries that Emily Irvine suffered while on a boat owned by Limitation Petitioner Suntex Marina Investors, LLC (and its wholly owned subsidiaries and related entities).² Suntex and Irvine are the only remaining parties, and they have agreed to dismiss the action under Federal Rule of Civil Procedure 41(a).

¹ Disclaimer: Documents hyperlinked to CM/ECF are subject to PACER fees. By using hyperlinks, the Court does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide, nor does it have any agreements with them. The Court is also not responsible for a hyperlink's availability and functionality, and a failed hyperlink does not affect this Order.

² The relevant subsidiaries and entities are Snook Bight Holdings, LLC, St Nook Bight, LLC, Snook Bight SMI OpcO, LLC, and SMI TRS OPCO, LLC.

Under Rule 41, a court may dismiss an action at the plaintiff's request on terms the court considers proper. [Fed. R. Civ. P. 41\(a\)\(2\)](#). A court has broad discretion in considering such a dismissal. See [Pontenberg v. Boston Scientific Corp.](#), 252 F.3d 1253, 1255 (11th Cir. 2001) (citation omitted). “[I]n most cases, a [voluntary] dismissal should be granted unless the defendant will suffer clear legal prejudice, *other than the mere prospect of a subsequent lawsuit*, as a result.” [McCants v. Ford Motor Co., Inc.](#), 781 F.2d 855, 856-57 (11th Cir. 1986) (emphasis in original and citations omitted).

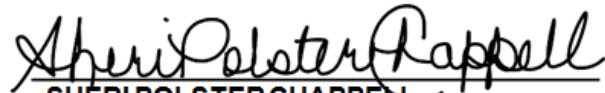
All parties to all aspects of this action have “agreed to amicably and confidentially settle and resolve all aspects of this dispute.” ([Doc. 124 at 3](#)). They thus ask the Court to dismiss this entire limitation proceeding with prejudice. After review of the record and applicable law, the Court finds good cause to dismiss this action with prejudice.

Accordingly, it is now

ORDERED:

1. The Joint Agreed Motion to Globally Dismiss Suntex Marina Investor, LLC's Limitation of Liability Proceeding ([Doc. 124](#)) is **GRANTED**.
2. The Clerk is **DIRECTED** to enter judgment, deny all pending motions as moot, terminate all deadlines, and close the case.

DONE and **ORDERED** in Fort Myers, Florida this on July 2, 2021.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record